

A RESOLUTION

09-R-_____

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF *EMC INSURANCE COMPANY v. THE CITY OF ATLANTA* (by and through its duly elected representative) MAYOR SHIRLEY FRANKLIN, *et al.*, CIVIL ACTION FILE NO. 2008VE005555F, IN THE AMOUNT OF \$20,000.00; AUTHORIZING SAID PAYMENT TO BE CHARGED TO AND PAID FROM FUND 5051 (WATERSHED & WASTEWATER FUND) ACCOUNT 170201 (DWM WASTEWATER TREATMENT & COLLECTIONS) 5750002 (PROPERTY/LIQUIDATION) 4310000 (SANITARY ADMINISTRATION); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS *EMC Insurance Company v. The City of Atlanta et al.*, is a case in which the Plaintiff sued for reimbursement for drinking water damages to property located at 210-212 Edgewood Avenue, Northeast, Atlanta, Georgia.

WHEREAS, Plaintiff has agreed to accept \$20,000.00, in full settlement of all claims against the City of Atlanta including interest and attorney's fees; and

WHEREAS, the City Attorney has done extensive review of the facts and the law and has determined that the City's potential financial exposure in defending Plaintiff's claims is in excess of the settlement amount; and

WHEREAS, the City Attorney considers it to be in the best interest of the City to pay the amount of \$20,000.00 to settle all claims against the City of Atlanta.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA hereby resolves as follows:

SECTION 1. The City Attorney is hereby authorized to settle and execute all documents in the case of *EMC Insurance Company v. The City of Atlanta, et al*, Civil Action No. 2008EV005555F, in the amount of Twenty Thousand Dollars and Zero Cents (\$20,000.00).

SECTION 2. The Chief Financial Officer is authorized to make payment from Fund 5051 (Water & Wastewater Revenue Fund), Account 170201 (DWM Wastewater Treatment & Collections) 5750002 (Property/Liquidation) 431000 (Sanitary Administration). Payment shall be in the form of a check in the amount of \$20,000.00 payable to R.W. Parnell Trust Account for 227-6611. Such payment shall be in full consideration of the dismissal of all claims against the City of Atlanta and its current and former officers and employees.